

0050

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA **'08 MJ 8118**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Aldo Alejandro TOPETE,

Defendant.

MAGISTRATE CASE NO.:

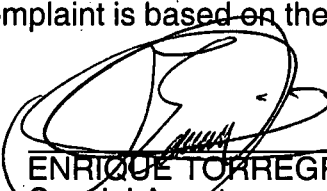
COMPLAINT FOR VIOLATION OF

Title 18, U.S.C., Sections 111 & 1114
Assault on a Federal
Officer (Felony)

The undersigned complainant, being duly sworn, states:

That on or about February 7, 2008, within the Southern District of California, defendant Aldo Alejandro TOPETE did willfully and forcibly assault, resist, oppose, impede or interfere with a person named in Title 18, United States Code, Section 1114, to wit, U. S. Customs & Border Protection Officer Jose Ramirez, was engaged in the performance of his official duties; in violation of Title 18, United States code, Sections 111.

And the complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


ENRIQUE TORREGROSA
Special Agent
Federal Bureau of Investigation

SWORN TO ME AND SUBSCRIBED IN MY PRESENCE THIS 8TH DAY OF
FEBRUARY, 2008.


PETER C. LEWIS
U. S. Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.
Aldo Alejandro TOPETE

3 STATEMENT OF FACTS

4 This complaint is based on the reports, documents, and notes furnished to U.S.
5 Immigration and Customs Enforcement Special Agent Enrique Torregrosa.

6 On February 7, 2008, at 0445 hours, Aldo Alejandro TOPETE applied for entry into
7 the United States from the Republic of Mexico via the Calexico, California, West Port of
8 Entry. TOPETE made entry into the United States through pedestrian, and presented an
9 illegible birth certificate to Customs and Border Protection Officers (CBPO). CBPO
10 referred TOPETE to pedestrian secondary to establish his U.S. Citizenship.

11 At Secondary inspection, CBPO Ramirez contacted TOPETE and noticed that
12 TOPETE was very aggressive towards the officers. TOPETE demanded to be clear from
13 inspection and stated to CBPO Tavizon that he was tired of being there and waiting.
14 TOPETE also stated that officers were wasting his time. CBPO Ramirez was in the
15 process of conducting a screening on TOPETE when TOPETE became very belligerent
16 and aggressive towards CBP Officers. CBPO Ramirez instructed TOPETE to place his
17 hands on the counter in order to conduct an immediate pat-down. During this process
18 TOPETE was loud and verbally abusive to the officers and non-compliant with their
19 commands. TOPETE began to wave his arms about, at which point CBPO Ramirez
20 attempted to grab his arms. CBPO Tavizon, who was also present in the secondary office,
21 came around the counter to assist CBPO Ramirez in subduing TOPETE. CBPO Ramirez
22 reached for TOPETE's arm and TOPETE pulled CBPO Ramirez's arm and pushed him.
23 A scuffle ensued during which CBPO Tavizon continued to give TOPETE commands to
24 stop resisting. Additional officers assisted in handcuffing TOPETE. CBPO Tavizon stated
25 that he felt TOPETE's arm come around his body and touch his holster; CBPO Tavizon
26 immediately clamped down on TOPETE's hand and wrist to prevent contact with the
27 weapon.

28 CBPO Ramirez was taken to the hospital for a dislocated right shoulder.